

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference LWR:RC:FP21117	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/AU2005/000247	International filing date ( <i>day/month/year</i> ) 24 February 2005	Priority date ( <i>day/month/year</i> ) 3 March 2004	
International Patent Classification (IPC) or national classification and IPC  Int. Cl.  <i>A61H 9/00</i> (2006.01) <i>A61H 23/04</i> (2006.01)			
Applicant NUTRIPHARMA LTD et al			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 6 sheets, as follows:</p> <div style="margin-left: 40px;"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).   <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. </div> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Box No. I      Basis of the report  <input type="checkbox"/> Box No. II      Priority  <input type="checkbox"/> Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  <input type="checkbox"/> Box No. IV      Lack of unity of invention  <input checked="" type="checkbox"/> Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  <input type="checkbox"/> Box No. VI      Certain documents cited  <input type="checkbox"/> Box No. VII      Certain defects in the international application  <input type="checkbox"/> Box No. VIII      Certain observations on the international application </div>	<div style="border: 2px solid black; padding: 5px; width: 100px; margin: 0 auto;"> RECEIVED  21 APR 2006 </div>
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Date of submission of the demand 19 September 2005	Date of completion of this report 12 April 2006
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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2005/000247

**Box No. I**      **Basis of the report**1. With regard to the **language**, this report is based on:

- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
  - ☐ publication of the international application (under Rule 12.4(a))
  - ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:  
pages 1, 5 – 15 as originally filed/furnished  
pages\* 2, 3, 4 & 4a received by this Authority on 19 September 2005 with the letter of 19 September 2005  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_ as originally filed/furnished  
pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
pages\* 16 & 17 received by this Authority on 6 April 2006 with the letter of 6 April 2006  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_
- ☒ the drawings:  
pages 1/2 – 2/2 as originally filed/furnished  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_ with the letter of \_\_\_\_\_

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1 – 12	YES
	Claims	NO
Inventive step (IS)	Claims 1 – 12	YES
	Claims	NO
Industrial applicability (IA)	Claims 1 – 12	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)****Novelty (N); Inventive Step (IS); Industrial Applicability (IA)****Claims 1 – 12**

Applicant's submissions including the amendments have been carefully considered.

The only independent claim now includes the feature of 'the body temperature of the patient being elevated subsequent to the removal of the patient from the fluid'. The features (including this one) defined by the one independent claim are not disclosed in the prior art document cited in earlier reports – DE 19527770. The combination of the features defined in the one independent claim is also not rendered obvious in light of this document.

Consequently, the invention defined in the one independent claim is novel and possesses an inventive step over this cited prior art document. The remaining claims depend from this independent claim and are therefore novel and possess an inventive step as well.

The invention defined in the present claims is suitable for industrial application.

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lymph into the bloodstream, removal of the remaining toxins is completed mainly by the liver and kidney and through the skin.

Under some circumstances, however, the lymph nodes  
5 may be overwhelmed with microorganisms and/or toxins, resulting in accumulation of toxins in the lymph nodes and lymphatic system. This reduces the effectiveness of the lymph nodes and can lead to further accumulation of toxins, resulting in low energy levels, fatigue, general  
10 malaise, muscle pain, poor mental state, poor skin tone, insomnia or restless sleep.

It has been tried to assist in the expulsion of these toxins from the body by performing a lymphatic drainage massage. In such a massage, a skilled masseur manipulates  
15 a person at regions of their body associated with the lymph system to mobilise the contents of the lymph system to encourage drainage into the blood system and subsequent processing by the liver. Such a massage can be time consuming and requires a skilled masseur.

20 Further, subjects have reported that following such a massage they often feel very unwell. This is thought to be due to the increased level of toxins in the blood due to the mobilisation of the lymph fluid caused by the massage.

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#### Summary of the Invention

In a first aspect the present invention provides a therapeutic apparatus including: a tank arranged to hold a body of fluid being sufficiently deep to submerge an  
30 upright person at least up to their neck; means for agitating the fluid to effect a generalised perturbation massage upon a person submerged in the fluid to mobilise

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toxins in the person's lymph system; and further including means to maintain the person in the submerged position.

When submerged in the tank, the person is subjected to a generalised perturbation massage caused by the agitation of the fluid. This mobilises substances in the lymph system of the person. Further, there is a pressure gradient in the tank due to the weight of the fluid. The pressure is greatest at the bottom of the tank and decreases upwardly to atmospheric pressure at the surface of the fluid at a point near to the neck of the person. This pressure gradient naturally urges lymphatic fluid upwards in the body towards the neck. Fluid in the head area drains downwardly under the force of gravity. Lymph from the lower periphery and trunk drains into the lymphatic duct from which the lymph drains into the blood system at the base of the left subclavian vein at the junction of the left subclavian and internal jugular veins. The combined effect of the pressure gradient in the tank and the mobilisation of lymph fluid assists in lymphatic drainage. This lymphatic drainage is achieved without the need to employ a skilled masseur.

The body of fluid and the fluid may have a density greater than water. This provides a greater pressure gradient in the tank and increases the tendency for lymph fluid to drain upwardly.

The fluid may be a mixture of water and a salt. The salt may include a salt of magnesium such as magnesium sulphate.

The means for agitating may include a pump and an arrangement of nozzles for delivering jets of pressurised fluid. The nozzles may be arranged to rotate.

The apparatus includes means to maintain the person in the submerged position such as a system of weights or

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tethers. This is because the buoyancy of the person in a high density fluid needs to be counteracted to maintain them in a submerged position about up to their neck. This is particularly the case where a fluid that is more dense  
5 than water is utilised.

In a second aspect the present invention provides A method of effecting lymphatic drainage in a person including the steps of: submerging the person in a body of fluid with a density greater than water up to about their  
10 neck and in a substantially vertical orientation; and agitating the fluid to effect a generalised perturbation massage upon the person submerged in the fluid to mobilise toxins in the person's lymph system.

In a third aspect the present invention provides a  
15 therapeutic method including the steps of: submerging the person in a body of fluid up to about their neck and in a substantially vertical orientation; agitating the fluid to effect a perturbation massage upon the person submerged in the fluid; and elevating the body temperature of the  
20 person to thereby cause the person to perspire.

In a fourth aspect the present invention provides a method of treating a condition in a person comprising the steps of: submerging the person in a body of fluid up to about their neck and in a substantially vertical  
25 orientation; and agitating the fluid to effect a perturbation massage upon the person submerged in the fluid to mobilise toxins in the person's lymphatic system; and further comprising the step of elevating the body temperature of the person to thereby cause the person to  
30 perspire.

The mobilised toxins are carried by the draining lymph into the person's blood stream from where the toxins

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can be removed from the person's body through organs such as the liver, kidney and skin.

Mobilised toxins may be removed from the person's bloodstream via the skin through perspiration. Thus, the  
5 method may further comprise the step of elevating the body temperature of the person to thereby cause the person to perspire. The body temperature may be elevated while the

CLAIMS:

1. A method of treating a condition in a person  
comprising the steps of: submerging the person in a  
5 body of fluid up to about their neck and in a  
substantially vertical orientation; and agitating the  
fluid to effect a perturbation massage upon the  
person submerged in the fluid to mobilise toxins in  
the person's lymphatic system; and further comprising  
10 the step of elevating the body temperature of the  
person to thereby cause the person to perspire,  
wherein the body temperature is elevated subsequent  
to removal of the person from the fluid.
2. A method according to claim 1 wherein the fluid has a  
15 density greater than water.
3. A method according to claim 2 wherein the fluid  
includes a mixture of water and a salt.
4. A method according to claim 2 wherein the salt  
includes a salt of magnesium.
- 20 5. A method according to any one of claims 1 to 4  
wherein the step of agitating includes pumping the  
fluid.
6. A method according to any one of claims 1 to 5  
wherein the step of agitating includes the step of  
25 delivering the fluid into the tank through nozzles  
for delivering a jet of pressurised fluid.
7. A method according to claim 6 wherein the nozzles are  
arranged to rotate.
8. A method according to any one of claims 1 to 7  
30 wherein the person is maintained in the submerged  
position by a system of weights or tethers.
9. A method according to anyone of claims 1 or 8 wherein  
the body temperature is elevated by exposing the  
person to a dose of infra-red radiation that is

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sufficient to cause the person to perspire.

10. A method according claim 9 wherein the person is exposed to infra-red radiation in an infra-red sauna.

11. A method according to any one of claims 1 to 10  
5 wherein the condition is associated with the accumulation of toxins in the lymphatic system of the person.

12. A method according to any one of claims 1 to 11  
10 wherein the condition is selected from the group consisting of lethargy, fatigue, malaise, weakness, arthralgia, myalgia, insomnia, sleep disturbance, sinus congestion, chest congestion, poor immunity, cognitive dysfunction, learning difficulties, mood disorders, lack of motivation, loss of libido, Skin  
15 rashes, acne, fluid retention, headaches, tachycardia, ectopics, gulf war syndrome, diabetes, cancer, heart failure, kidney failure, liver failure, chronic auto-immune conditions, lupus, rheumatoid arthritis, Crohn's disease, ulcerative colitis,  
20 emphysema, Hepatitis C, HIV, chronic substance abuse, dysbiosis, Leaky gut syndrome, chronic fatigue syndrome, fibromyalgia, recurrent infections, and detoxification of toxic drug metabolites from prescription medication or chemotherapy drugs.

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Dated this 5<sup>th</sup> day of April 2006

NUTRIPHARMA LTD

By their Patent Attorneys

GRIFFITH HACK

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